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8 Attorneys for Plaintiff
9 Anne Marie Quinn and Steven Quinn

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 Anne Marie Quinn and Steven
13 Quinn,

14 Plaintiffs,

15 v.

16 Asset Management Company, a
17 corporation, and Peter Fine, an
18 individual;

19 Defendants.

Case No.: **'08 CV 0363 W RBB**

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

20 **INTRODUCTION**

21
22 1. The United States Congress has found abundant evidence of the use of
23 abusive, deceptive, and unfair debt collection practices by many debt
24 collectors, and has determined that abusive debt collection practices contribute
25 to the number of personal bankruptcies, to marital instability, to the loss of
26 jobs, and to invasions of individual privacy. Congress wrote the Fair Debt
27 Collection Practices Act, 15 U.S.C. § 1692 et seq (hereinafter "FDCPA"), to
28 eliminate abusive debt collection practices by debt collectors, to insure that

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CLERK, U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA

BY: *pru*

DEPUTY

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1 those debt collectors who refrain from using abusive debt collection practices
2 are not competitively disadvantaged, and to promote consistent State action to
3 protect consumers against debt collection abuses.

- 4 2. The California legislature has determined that the banking and credit system
5 and grantors of credit to consumers are dependent upon the collection of just
6 and owing debts and that unfair or deceptive collection practices undermine
7 the public confidence that is essential to the continued functioning of the
8 banking and credit system and sound extensions of credit to consumers. The
9 Legislature has further determined that there is a need to ensure that debt
10 collectors exercise this responsibility with fairness, honesty and due regard for
11 the debtor's rights and that debt collectors must be prohibited from engaging
12 in unfair or deceptive acts or practices.

- 13 3. Anne Marie Quinn ("Ann Marie") and Steven Quinn, ("Steven"), through
14 Plaintiff's attorneys, bring this action to challenge the acts or omissions of
15 Asset Management Company ("ASSET"), and Defendant ASSET's agent and
16 employee, Peter Fine, ("FINE"), with regard to attempts by Defendants to
17 unlawfully and abusively collect a debt allegedly owed by Plaintiff, and this
18 conduct caused Plaintiff damages.

- 19 4. Plaintiff makes these allegations on information and belief, with the exception
20 of those allegations that pertain to a Plaintiff, or to Plaintiff's counsel, which
21 Plaintiff alleges on personal knowledge.

22 JURISDICTION AND VENUE

- 23 5. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331, 15 U.S.C. §
24 1692(k), and 28 U.S.C. § 1367 for supplemental state claims.
- 25 6. This action arises out of Defendant ASSET's violations of the Fair Debt
26 Collection Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA"), the Rosenthal
27 Fair Debt Collection Practices Act, California Civil Code §§ 1788-1788.32
28 ("RFDCPA"), and certain state torts.

1 7. Because Defendants do business within the State of California, personal
2 jurisdiction is established.

3 8. Venue is proper pursuant to 28 U.S.C. § 1391.

4 **PARTIES**

5 9. Plaintiffs are natural persons who reside in the City of La Cresenta, County of
6 Los Angeles, State of California.

7 10. Plaintiffs are obligated or allegedly obligated to pay a debt, and are
8 "consumers" as that term is defined by 15 U.S.C. § 1692a(3).

9 11. Plaintiff Ann Marie is a "senior citizen" as defined by Cal. Civ. Code §
10 1761(f).

11 12. Plaintiff Ann Marie is a "disabled person" as defined by Cal. Civ. Code §
12 1761(g).

13 13. Plaintiff Steven is a "disabled person" as defined by Cal. Civ. Code § 1761(g).

14 14. Defendant ASSET and FINE are persons who use an instrumentality of
15 interstate commerce or the mails in a business the principal purpose of which
16 is the collection of debts, or who regularly collect or attempt to collect,
17 directly or indirectly, debts owed or due or asserted to be owed or due another
18 and are therefore debt collectors as that term is defined by 15 U.S.C. §
19 1692a(6).

20 15. Plaintiff is a natural person from whom a debt collector sought to collect a
21 consumer debt which was due and owing or alleged to be due and owing from
22 Plaintiff, and is a "debtor" as that term is defined by California Civil Code §
23 1788.2(h).

24 16. Defendant ASSET and FINE, in the ordinary course of business, regularly, on
25 behalf of itself, or others, engages in debt collection as that term is defined by
26 California Civil Code § 1788.2(b), and is therefore a debt collector as that
27 term is defined by California Civil Code § 1788.2(c).

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1 17. This case involves money, property or their equivalent, due or owing or
2 alleged to be due or owing from a natural person by reason of a consumer
3 credit transaction. As such, this action arises out of a consumer debt and
4 "consumer credit" as those terms are defined by Cal. Civ. Code § 1788.2(f).

5 18. Defendant ASSET is a company operating from the City of Corona, County of
6 Riverside, State of California.

7 19. Defendant FINE is a person operating from the City of Corona, County of
8 Riverside, State of California, and, at all relevant times, was an employee and
9 agent of Defendant ASSET.

10 **FACTUAL ALLEGATIONS**

11 20. At all times relevant, Plaintiff was an individual residing within the State of
12 California.

13 21. At all times relevant, Defendants conducted business in the State of
14 California.

15 22. Sometime before October 1, 2007, Plaintiff Steven is alleged to have incurred
16 financial obligations.

17 23. These financial obligations were primarily for personal, family or household
18 purposes and are therefore "debt(s)" as that term is defined by 15 U.S.C.
19 §1692a(5).

20 24. These alleged obligations were money, property, or their equivalent, which is
21 due or owing, or alleged to be due or owing, from a natural person to another
22 person and were therefore "debt(s)" as that term is defined by California Civil
23 Code §1788.2(d), and a "consumer debt" as that term is defined by California
24 Civil Code §1788.2(f).

25 25. Sometime thereafter, but before October 1, 2007, Plaintiff Steven allegedly
26 fell behind in the payments allegedly owed on the alleged debt. Plaintiffs
27 currently take no position as to the validity of this alleged debt.

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- 1 26. Subsequently, but before October 1, 2007, the alleged debt was assigned,
2 placed, or otherwise transferred, to Defendant ASSET for collection.
- 3 27. On or about October 1, 2007, Defendant ASSET telephoned Plaintiff Ann
4 Marie, the mother of Plaintiff Steven, and demanded payment of an alleged
5 debt from both Plaintiff Ann Marie and Plaintiff Steven. This communication
6 to Plaintiff was a "communication" as that term is defined by 15 U.S.C. §
7 1692a(2), and an "initial communication" consistent with 15 U.S.C. §
8 1692g(a). This communication was a "debt collection" as Cal. Civ. Code
9 1788.2(b) defines that phrase, and an "initial communication" consistent with
10 Cal. Civ. Code § 1812.700(b).
- 11 28. During this conversation, Defendant ASSET falsely alleged that Plaintiff Ann
12 Marie was liable for this debt even though Defendant ASSET actually
13 believed her son, Plaintiff Steven, had actually incurred the debt, and the
14 alleged account was in the name of her son, Plaintiff Steven.
- 15 29. This communication to this third party was without prior consent, or the
16 express permission of a court of competent jurisdiction, or as reasonably
17 necessary to effectuate a post judgment judicial remedy, and was in
18 connection with the collection of the alleged debt, and with a person other
19 than Plaintiff, Plaintiff's attorney, a consumer reporting agency, the creditor,
20 the attorney of the creditor, or the attorney of the debt collector. This
21 communication to this third party was not provided for in 15 U.S.C. § 1692b.
22 This action by Defendants violated 15 U.S.C. § 1692c(b), and because this
23 communication did not comply with certain provisions of the FDCPA,
24 including, but not limited to 15 U.S.C. § 1692c(b), and, consequently, this
25 communication also violated Cal. Civ. Code § 1788.17.
- 26 30. This allegation was a false, deceptive, or misleading representation or means
27 in connection with the collection of a debt and in violation of 15 U.S.C. §
28 1692e and § e(10), as well as Cal. Civ. Code § 1788.17.

1 31. Defendant ASSET failed within five days after this initial communication
2 with Plaintiff, to provide written notification containing a statement that
3 unless the consumer, within thirty days after receipt of the notice, disputes the
4 validity of the debt, or any portion thereof, the debt will be assumed to be
5 valid by the debt collector, and failed within five days after the initial
6 communication with Plaintiff to provide a written notice containing a
7 statement that if the consumer notifies the debt collector in writing within the
8 thirty-day period that the debt, or any portion thereof, is disputed, the debt
9 collector will obtain verification of the debt or a copy of a judgment against
10 the consumer and a copy of such verification or judgment will be mailed to
11 the consumer by the debt collector, and that the debt collector will provide the
12 consumer with the name and address of the original creditor, thereby violating
13 15 U.S.C. §§ 1692e, 1692e(10), 1692f, and 1692g. Because of this omission,
14 Defendant also violated Cal. Civ. Code § 1788.17.

15 32. During this conversation with Plaintiff Ann Marie, Defendant ASSET asked
16 Plaintiff Ann Marie if her son would be home the following day because her
17 son was about to be arrested by the local police, and that if Plaintiff Ann
18 Marie wished to stop this she needed to contact Defendant ASSET's agent,
19 Peter Fine, at 866-441-6224, a telephone number later found to be used by
20 Defendant ASSET.

21 33. This statement represented the threat to take action that Defendants could not
22 legally take or that Defendants did not intend to take, and violated 15 U.S.C. §
23 1692e(5). This statement also represented a false, deceptive, or misleading
24 representation or means in connection with the collection of a debt in violation
25 of 15 U.S.C. § 1692e and § e(10). Because this action violated 15 U.S.C. §
26 1692e(5) and 15 U.S.C. § 1692e and § e(10), it also violated Cal. Civ. Code
27 1788.17.

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1 34. Plaintiff Ann Marie believed the representations of Defendant ASSET to her
2 great mental and emotional distress, and this statement caused Plaintiff Ann
3 Marie great mental anguish at the thought that her beloved son, who suffers
4 from medically diagnosed mental illness, was about to be arrested and jailed.

5 35. This further caused Plaintiff Ann Marie great mental anguish because Plaintiff
6 Ann Marie is a blind, elderly woman, 80 years of age, who needs the
7 assistance of her son, on a daily basis, to assist Plaintiff Ann Marie with her
8 daily health related and other needs, and Plaintiff Ann Marie feared she would
9 now be without this assistance.

10 36. After Plaintiff Ann Marie heard this false, deceptive, or misleading
11 representation or means in connection with the collection of a debt, by
12 Defendant ASSET, Plaintiff Ann Marie became so stressed and anxious that
13 she felt physically ill and experienced physical symptoms as though she was
14 about to suffer a heart attack.

15 37. Subsequently that day, and fearful that her son was going to be arrested and
16 jailed the next day, Plaintiff Ann Marie was able to compose herself long
17 enough to contact Defendant FINE at 866-441-6224. When Plaintiff
18 telephoned this number and spoke with Defendant FINE, Defendant FINE
19 told Plaintiff Ann Marie that he was employed by Defendant ASSET, a debt
20 collector, and that it was true that the police were looking for her son, Plaintiff
21 Steven, and that if Plaintiff Ann Marie did not make an immediate payment
22 her son would be arrested and jailed, the next day.

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1 38. These statements represented the threat to take action that Defendants could
2 not legally take or that Defendants did not intend to take, and violated 15
3 U.S.C. § 1692e(5). This statement also represented a false, deceptive, or
4 misleading representation or means in connection with the collection of a debt
5 in violation of 15 U.S.C. § 1692e and § e(10). Because this action violated 15
6 U.S.C. § 1692e(5) and 15 U.S.C. § 1692e and § e(10), it also violated Cal.
7 Civ. Code 1788.17.

8 39. Plaintiff Ann Marie believed Defendant FINE's statements and this, again,
9 caused Plaintiff Ann Marie great mental and emotional distress.

10 40. These false, deceptive, or misleading representations or means in connection
11 with the collection of a debt were extreme and outrageous, designed to cause
12 pain, anguish, and fear in Plaintiff Ann Marie, and were made with malice.

13 41. These extreme, outrageous, and malicious statements did, in fact, cause
14 Plaintiff Ann Marie to be injured, including, but not limited to, pain, anguish,
15 and fear.

16 42. Fearful that her son was about to be arrested and jailed, Plaintiff Ann Marie
17 asked why the police were looking for her son.

18 43. Defendant FINE, an agent of Defendant ASSET, stated that the police were
19 about to arrest her son because he failed to pay a debt Defendant FINE alleged
20 was owed by Plaintiff Ann Marie's son in an amount of \$14,000.00, but that if
21 Plaintiff Ann Marie would pay her son's debt for him, Defendant FINE could
22 stop the police from making this arrest and prevent Plaintiff Steven's
23 subsequent incarceration.

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1 44. These statements represented the threat to take action that Defendants could
2 not legally take or that Defendants did not intend to take, and violated 15
3 U.S.C. § 1692e(5). This statement also represented a false, deceptive, or
4 misleading representation or means in connection with the collection of a debt
5 in violation of 15 U.S.C. § 1692e and § e(10). Because this action violated 15
6 U.S.C. § 1692e(5) and 15 U.S.C. § 1692e and § e(10), it also violated Cal.
7 Civ. Code 1788.17.

8 45. These statements were representations or implications that nonpayment of the
9 alleged debt would result in the arrest or imprisonment of Plaintiff Steven in
10 violation of 15 U.S.C. § 1692e(4) and § e(7), and Cal. Civ. Code § 1788.17
11 and Cal. Civ. Code § 1788.10(b).

12 46. When Plaintiff Ann Marie explained that she could not pay such an amount
13 and that she was 80 years old, blind, and lived on a fixed income, Defendant
14 FINE feigned a conversation with someone unknown and then told Plaintiff
15 Ann Marie that he would stop the police from arresting the son of Plaintiff
16 Ann Marie if Plaintiff Ann Marie would pay \$7,890.27 of the debt Defendant
17 ASSET and Defendant FINE alleged her son owed.

18 47. Shocked and scared, Plaintiff Ann Marie asked Defendant FINE if she could
19 make this payment in two payments, again pointing out that she was 80 years
20 old, blind, and of limited, fixed, income.

21 48. Defendant FINE and Defendant ASSET refused. According to Defendant
22 FINE, Plaintiff Ann Marie had to pay the \$7,890.27 at once or her son would
23 be arrested and jailed.

24 49. Plaintiff Ann Marie, believing she had no other choice, then gave Defendant
25 ASSET and Defendant FINE her credit card number in the hope that she could
26 stop Defendant ASSET and Defendant FINE from having her son arrested.

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1 50. Defendant ASSET and Defendant FINE then falsely stated that they had
2 contacted the bank of Plaintiff Ann Marie and that the transfer had been
3 approved.

4 51. Subsequently, Plaintiff Ann Marie and Plaintiff Steven were so concerned that
5 Plaintiff Steven was about to be arrested, Plaintiff Ann Marie and Plaintiff
6 Steven, through their daughter and sister, respectively, contacted local law
7 enforcement to determine the legitimacy of Defendant ASSET and Defendant
8 FINE's outrageous statements.

9 52. Law enforcement told Plaintiff Ann Marie that the statements of Plaintiff Ann
10 Marie and Plaintiff Steven were untrue, and that they would not arrest
11 Plaintiff Steven for not paying a debt.

12 53. When police assured Plaintiffs that they was merely a civil matter, Plaintiff
13 Ann Marie realized that she should have consulted someone before allowing
14 herself to be coerced into paying this alleged debt.

15 54. Plaintiff Ann Marie then tried to stop payment on her credit card, but was
16 unsuccessful.

17 55. Plaintiff Ann Marie then complained to her local Better Business Bureau so
18 that other consumers would be aware of the abusive activity Plaintiff Ann
19 Marie had just endured.

20 56. Subsequently, and unbeknownst to Plaintiff Ann Marie, the Better Business
21 Bureau contacted Defendant ASSET and inquired about the debt. Defendant
22 ASSET then revealed to the Better Business Bureau, in writing, confidential
23 details about the alleged debt.

24 57. This communication to this third party was without prior consent, or the
25 express permission of a court of competent jurisdiction, or as reasonably
26 necessary to effectuate a post judgment judicial remedy, and was in
27 connection with the collection of the alleged debt, and with a person other
28 than Plaintiff, Plaintiff's attorney, a consumer reporting agency, the creditor,

the attorney of the creditor, or the attorney of the debt collector. This communication to this third party was not provided for in 15 U.S.C. § 1692b. This action by Defendants violated 15 U.S.C. § 1692c(b), and because this communication did not comply with certain provisions of the FDCPA, including, but not limited to 15 U.S.C. § 1692c(b), and, consequently, this communication also violated Cal. Civ. Code § 1788.17.

58. In written correspondence to the Better Business Bureau, Defendant ASSET, falsely stated to the Better Business Bureau that Plaintiff Ann Marie had used her son's credit card. In this same correspondence, Defendant ASSET falsely stated that Plaintiff Ann Marie was doing this on as many as 15 other credit cards.

59. These statements were false, deceptive, or misleading representation or means in connection with the collection of any debt in violation of 15 U.S.C. § 1692e, § e(10), and Cal. Civ. Code § 1788.17.

60. These statements were in violation of Cal. Civ. Code § 1788.10(c) and 15 U.S.C. § 1692d.

61. Because each and every Plaintiff was a senior citizens or disabled person as those terms are defined by Cal. Civ. Code § 3345, and one or more of the factors outlined in Cal. Civ. Code § 3345(b) exist here, Defendant ASSET and Defendant FINE are liable for three times any fine, civil penalty or other penalty that might be imposed on them and against each and every Plaintiff.

CAUSES OF ACTION CLAIMED BY PLAINTIFF

COUNT I

VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 ET SEQ.

- Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- The foregoing acts and omissions constitute numerous and multiple

violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

- As a result of each and every violation of the FDCPA, and Cal. Civ. Code § 3345, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$3,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) against Defendant ASSET and Defendant FINE, each of them.

COUNT II

VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

CAL. CIV. CODE §§ 1788-1788.32

- Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- The foregoing acts and omissions constitute numerous and multiple violations of the RFDCPA.
- As a result of each and every violation of the RFDCPA, and Cal. Civ. Code § 3345, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in the amount up to \$3,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's fees and costs pursuant to Cal. Civ. Code § 1788.30(c) against Defendant ASSET and Defendant FINE, each of them.

COUNT III

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

- Plaintiffs incorporate by reference all of the above paragraphs of this Complaint as though fully stated herein.
- Defendant's actions were outrageous.
- Defendant's actions were intended to cause, or there was a substantial likelihood of those actions causing, Plaintiff harm.

- Defendant's conduct was so extreme that it goes beyond all possible bounds of decency.
- Plaintiff was harmed.
- Defendant's conduct was a substantial factor in causing Plaintiff's harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendants as follows:

COUNT I

FAIR DEBT COLLECTION PRACTICES ACT

AS TO DEFENDANT ASSET AND DEFENDANT FINE, EACH OF THEM

- an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- an award of statutory damages of \$3,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- an award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3).

COUNT II

ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT

AS TO DEFENDANT ASSET AND DEFENDANT FINE, EACH OF THEM

- an award of actual damages pursuant to California Civil Code § 1788.30(a);
- an award of statutory damages of \$3,000.00 pursuant to Cal. Civ. Code § 1788.30(b);
- an award of costs of litigation and reasonable attorney's fees, pursuant to Cal. Civ. Code § 1788.30(c).

COUNT III

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

AS TO DEFENDANT ASSET AND DEFENDANT FINE, EACH OF THEM

- For an award of costs of litigation and reasonable attorney's fees;
- For an award of actual, compensatory and incidental damages in the amount

1 of fifty thousand dollars;

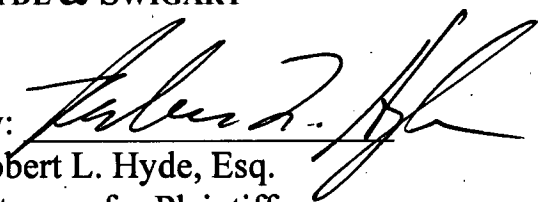
- 2 • For an award of punitive damages in an amount to be determined at trial;
3 • For any other relief that the court deems just and proper.

4 **TRIAL BY JURY**

5 62. Pursuant to the seventh amendment to the Constitution of the United States of
6 America, Plaintiff is entitled to, and demands, a trial by jury.

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8 Dated: February 21, 2008

Respectfully submitted,
HYDE & SWIGART

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10 By: 
11 Robert L. Hyde, Esq.
12 Attorney for Plaintiff
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(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Anne Marie Quinn and Steven Quinn

DEFENDANTS

Asset Management Company, a corporation, and Peter Finn, an individual.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

Los Angeles

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

Riverside

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Robert L. Hyde
411 Camino Del Rio South, Ste. 301
San Diego, CA 92108
Tel: 619-233-7770

ATTORNEYS (IF KNOWN)

Unknown

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

- | | PT | DEF | | PT | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. and the Rosenthal Fair Debt Collection Practices Act, Cal Civ Code 1788-1788.32 (RFDCPA), Intentional Infliction of Emotional Distress.

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 861 HIA (1395B)	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 530 General	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 555 Prisoner Conditions	<input type="checkbox"/> 790 Other Labor Litigation		<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations		<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare				<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights				<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 290 All Other Real Property					<input type="checkbox"/> 890 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER fr.c.p. 23

DEMAND \$ 75000

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 02/22/2008

SIGNATURE OF ATTORNEY OF RECORD

148055 #350
2/25/08

ORIGINAL

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

**# 148055 - SH
* * C O P Y * *
February 25, 2008
16:37:34**

Civ Fil Non-Pris

USAO #: 08CV0363

Judge.: THOMAS J WHELAN

Amount.: \$350.00 CK

Check#: BC2307

Total-> \$350.00

FROM: QUINN V. ASSET MANAGEMENT CO